

AO 91 (Rev. 11/11) Criminal Complaint

FILED
 United States District Court
 Albuquerque, New Mexico
 Mitchell R. Elfers
 Clerk of Court

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

JONATHAN JOHN JAMES

Year of Birth: 1964

Defendant(s)

Case No. MJ 22-740 KK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 5, 2022 in the county of McKinley in the
 District of New Mexico, the defendant(s) violated:

Code Section
 18 U.S.C. § 2422(b)

Offense Description
 Attempted Coercion and Enticement

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.*Cristina Sandoval**Complainant's signature*

SA Cristina Sandoval

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/05/2022*B. Paul Briones**Judge's signature*City and state: Albuquerque, New MexicoB. Paul Briones, United States Magistrate Judge*Printed name and title*

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT FOR
JONATHAN JOHN JAMES**

I, Cristian Sandoval, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND OF THE AFFIANT

1. I make this affidavit in support of the arrest of Jonathan John James (year of birth 1964) (“JAMES”), for violations of 18 U.S.C. § 2422(b), Attempted Coercion and Enticement.

2. I am a Special Agent (“SA”) of the Federal Bureau of Investigation (“FBI”) and have been so employed since June 2016. I am recognized as a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure (“FRCP”) 41(a)(2)(C). I am currently assigned to the Child Exploitation Human Trafficking Task Force (CEHTTF) in Albuquerque, NM. I have previously been assigned to the Violent Crime, Counterintelligence, and Transnational Organized Crime squads. I have worked cases involving national security matters, drug trafficking organizations, bank robberies, Hobbs Act violations, and sexual assault of minors on federal property.

3. I have received on the job training from other experienced agents and law enforcement officers. My investigative training and experience includes, but is not limited to, conducting surveillance, interviewing subjects, writing affidavits for search and arrest warrants, collecting evidence and learning legal matters which includes the topics of fourth amendment searches. I have previously participated in child exploitation investigations and search warrants

4. The statements contained in this affidavit are based upon my investigation, training and experience, as well as information provided by other law enforcement officers or from other reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish

probable cause to support a criminal complaint against JAMES, for violation of 18 U.S.C. § 2422(b).

LEGAL DEFINITIONS

5. The following terms are relevant to this affidavit in support of this application for an arrest warrant:

- a. *Child Pornography*: The term “child pornography” is defined at 18 U.S.C. § 2256(8). It consists of visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct), as well as any visual depiction, the production of which involves the use of a minor engaged in sexually explicit conduct. *See* 18 U.S.C. §§ 2252 and 2256(2), (8).
- b. *Minor*: The term “minor” means any person under the age of eighteen years. *See* 18 U.S.C. § 2256(1).
- c. *Sexual Activity*: The phrase “sexual activity for which any person can be charged with a criminal offense” includes production of child pornography. *See* 18 U.S.C. § 2427. There is no federal statutory definition of “sexual activity,” the term is given its natural meaning.
- d. *Sexually Explicit Conduct*: The term “sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any persons. *See* 18 U.S.C. § 2256(2).
- e. *Visual Depictions*: “Visual depictions” include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. *See* 18 U.S.C. § 2256(5).

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

6. On April 27, 2022, FBI Albuquerque Gallup Resident Agency interviewed a witness with initials K.S. year of birth 1956, hereto referred to as “Witness 1.” Witness 1

informed the FBI that on or about April 20, 2022, Witness 1's granddaughter, initials A.B. with year of birth 2010, hereto referred to as "Victim 1," was approached by a heavyset Native American male, later identified as JAMES, in the parking lot of Home Depot. Witness 1 was in the restroom of the Home Depot while Victim 1 waited in the vehicle when JAMES approached Victim 1. According to Witness 1, JAMES said to Victim 1 that JAMES had followed and watched Victim 1 in the Home Depot while she shopped with Witness 1. Witness 1 further heard from Victim 1 that JAMES believed Victim 1 was attractive and provided JAMES' phone number on a wet wipe packet hoping they could communicate. Witness 1 provided the wet wipe packet with phone number 505-570-6752 to the FBI.

7. Witness 1 told the FBI that Witness 1 used his cell phone to assume the identity of an 11-year-old female with the alias "Simone," and communicated via text message with 505-570-6752. During the text messages, Witness 1 stated that the conversation was sexual in nature and that JAMES indicated that he wanted to engage in sexual activities with Simone. Via text message, Witness 1 indicated that JAMES was indifferent to Simone's age as a minor. Witness 1 conducted this conversation without the direction of Law Enforcement and wanted to assess the intentions of JAMES. The following messages occurred between Witness 1 and JAMES sometime between April 20, 2022 and April 28, 2022.¹

Witness 1	I am not allowed to send pictures. How old do you think I am? I might send one when my parents don't notice later.
JAMES	Ur in ur teens U know ur just beautiful gorgeous, pretty and good looking.
Witness 1	Lots of people think I am in my teens...guess again? You really think I am pretty?

¹ The messages are included here in their original form, including any typographical errors.

JAMES	Early 20 Oh yes u r pretty
Witness 1	Lmao...i will be 12 next week.
JAMES	(blowing kiss heart emoticon) Really
Witness 1	But thank you for saying so...im really no all that pretty
JAMES	But u look like ur all mature

*****²

JAMES	But what do u wear when u going to bed.
Witness 1	Really really really for reals?
JAMES	Yea babe
Witness 1	At night? What do I ear to bed? Well...that makes me a little nervous to say to a stranger...
JAMES	Will sweetie Is a person that really really wants you
Witness 1	Well...ok..i don't wear anything at all and I just snuggle with my kitties.
JAMES	Oh wow Same here that's how I sleep to. Me with my body pillow
Witness 1	I hate pajamas. My mom always tries to get me to wear stupid little kid pajamas with animals on them
JAMES	Awwwwwww So when we meet up, u don't mind if I touch u all over.
Witness 1	Like....All over? My privates too? I don't know...
JAMES	If u don't want to just tell me But that will make u feel good.

² Asterisks (*****) here and throughout denote a break in the conversation. Only certain portions of the chat conversation are included here, for the purpose of establishing probable cause for the requested warrant.

Witness 1	And do you want me to do that?
JAMES	Ok, I don't mine u touching all over my body with ur hands, you can kiss me on the lips and you can lick me all over too. So I can kiss you, touch you, feel you, smell you, taste you, and lick u. And suck and lick ur nipples too
Witness 1	You mean like...put my mouth on your ...thing?
JAMES	If u want to, but u don't have to. But do u want me to lick ur thing down there. It will make u feel really really really good

8. Witness 1 consented to a search of his phone and an assumption of Simone's identity by an FBI online covert employee ("OCE"), signing all appropriate consent forms. The initial FBI review of the conversation between Witness 1's and 505-570-6752 appeared to show that JAMES wanted to engage in sexual activities with Simone. A photo was provided in the message conversation and appeared to match that of the driver's license photo for JAMES. This same photo from the conversation was shown to Victim 1 who stated that person appeared to be the Native American man who approached her in the parking lot of Home Depot. Victim 1 stated that she was nine out of ten confident that was the photo of the Native American man who approached her.

9. On April 28, 2022, an FBI OCE began communicating as "Simone", a 12-year-old female who had been communicating via text message with the subject using 505-570-6752.

10. On April 28, 2022, the following text message conversation occurred between OCE and JAMES:³

³ The messages are included here in their original form, including any typographical errors.

OCE	I hate being so young
JAMES	Why sweetie What's wrong?
OCE	My family might go to albuquerque this weekend but won't let me stay alone
JAMES	Rlly
OCE	Mom said maybe when I am 14 but that is only 2 years from now
JAMES	Where do u live at? Sweetie Maybe by then I can come over and stay with you over night.
OCE	In 2 years?
JAMES	Yes babe But we still meeting next week. That's a start, over night.
OCE	Oh I was starting to worry I was too young for you
JAMES	Ni babe No I like you a lot
OCE	Good I like that you don't think I am to young
JAMES	I want to teach u some Ur just to beautiful U ready to see some pics

OCE	You can send me pics when your ready
JAMES	I know babe Naughty ones Babe im always ready for you

[JAMES sends 24 images of obscene material depicting adults engaged in sexual activities, all of which showed nudity.]

JAMES	Will its going to be your first time
OCE	What would you want to start with?
JAMES	Kissing and touching
OCE	So we'd go slow
JAMES	Yes babe Slowly (snail emoticon) and gently
OCE	What would you want to do after kissing?
JAMES	I'm going to lick u Nipples and ur pussy First we can touch each other all over. Sweetie
OCE	Yes
JAMES	What u want to do? But I don't think I'm going to put my thing in you.
OCE	Why not?
JAMES	Bcuz But do u want me to?
OCE	I am just nervous that it will hurt or I won't be good at it
JAMES	Put my cock inside ur pussy? Will i will only do that if you want me to
OCE	Ok

JAMES	Ur my one and only, babe
OCE	If you decide 12 is too young I would understand tho
JAMES	No I'm still want you

11. On May 1, 2022, the following test message conversation occurred between the OCE and JAMES:

JAMES	Babe I'm just thinking about you.
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OCE	Good things?
JAMES	Of course, sweetie And about Friday night too
OCE	(smile emoticon) I am going to go on Thursday! Extra day
JAMES	But Friday still a go for us to meet up.
OCE	Yes But we can meet earlier to so we don't have to wait as long But I understand if you have to work
JAMES	What time is early Oh I want to see u sooooo bad
OCE	Afternoon? I can get away Thursday too
JAMES	Really Soooo u do really want me Like I do want u sooooo bad to
OCE	Of course silly I have to help with dinner. Talk to you later
JAMES	Mmmmmmm Thursday we can meet up when? Then I can drop u off in the evening Then Friday I can get u at 6pm and have you all night What u think? Sweetie Finish eating
OCE	Yes
JAMES	What u doing, sweetie Did u read all my messages
OCE	I did
JAMES	So what u think
OCE	I think we can meet Thursday afternoon but what would be do?
JAMES	What ever you want

	Then I can drop u back off in the evening, ok?
OCE	Ok Is there anything you want to do?
JAMES	Just kissing and touching
OCE	I could probably be fee like most of the day or might
JAMES	Site seeing Really What u want to do?
OCE	Whatever you want
JAMES	Babe I'm just soooooo excited What u going to wear Thursday?
OCE	I don't know yet. I guess it depends on what you want to do
JAMES	We can just drive around and just get to know one another. Maybe I might lick you, mmmmmmmmm
OCE	Lick me where?
JAMES	All over Down there And feel u out Only if you want me to.
OCE	Feel me out?
JAMES	Yes Your body

12. On April 30, 2022, JAMES sent a text message to the OCE stating he had been working on his truck. The OCE asked what kind of truck JAMES had and what color it was. JAMES responded, "Just white" and sent a photograph of a white Chevrolet Silverado with tinted windows, double headlights, and a 4x4 logo near the rear passenger side wheel well.

13. On May 2, 2022, FBI Agents from the Gallup Resident Agency conducted a surveillance in the vicinity of GPS location 35.7462108, by -109.0540668. At this location, was the Navajo Nation Building #2431 Facilities Maintenance Department in Fort Defiance, Arizona. Further found at this location was a white Chevrolet truck with Arizona license plate CRZ9638 with registered owner JONATHAN JOHN JAMES. This truck was parked in the exact same spot as depicted in the photograph received by the OCE via text message from JAMES on April 30, 2022.

14. On May 2, 2022, JAMES stated to the OCE he worked in Window Rock, Arizona. On May 3, 2022, JAMES sent the OCE a message stating, "Just get done with a workorder in Window Rock."

15. An open-source records check of the phone number being utilized by the Subject is associated with TextNow. TextNow is a Voice over Internet Protocol service that allows users to text and call any number in Canada and the United States. TextNow is a company headquartered in Sacramento, California. To my knowledge, I am unaware of any TextNow servers in New Mexico.

16. Additionally, the government can demonstrate that any electronic device, such as a cellular telephone, must have been manufactured outside of the state of New Mexico. I am unaware, from training and experience, of any computer hardware/digital media capable of holding data being manufactured in the state of New Mexico, other than the Intel processors produced at the Intel facility in Rio Rancho, New Mexico. Intel processors contain on-chip cache memory that is volatile and not conducive for transporting stored data, not to be confused with hard drives, flash drives, or other non-volatile digital media that maintains the data after power is removed.

17. On May 5, 2022, FBI Agents conducted an operation where they used text messages via JAMES and the OCE to arrange a meeting. The OCE requested that JAMES meet with Simone at a park in Gallup, New Mexico. The OCE asked JAMES to bring to the park a Dr. Pepper soda which JAMES agreed to. On the evening prior, JAMES informed the OCE that he would also bring a bracelet for Simone. At about 1:00pm on May 5, 2022, a white Chevrolet truck with Arizona license plate CRZ9638 arrived at the Gallup Park. JAMES exited the white Chevrolet truck carrying a bottle of Coca-Cola and Dr. Pepper. At this time, FBI Agents detained JAMES.

18. Following the detention of JAMES, FBI Agents advised JAMES of his rights which he waived and agreed to speak with the FBI. JAMES signed the advice of rights form. During the interview with JAMES, JAMES admitted that he came to the Gallup park to meet with a 12 year old female named Simone. JAMES further stated that he wanted to engage in sexual activities with Simone, including oral sex if Simone was willing. JAMES informed interviewing Agents that he used the phone number 505-570-6752 to communicate with Simone for the meeting at the park and other sexual conversations. JAMES said that inside his white Chevrolet truck was his phone that used the number 505-570-6752 and a bracelet for Simone. JAMES further confirmed that he met Simone at the Home Depot where he passed his phone number to her in the parking lot, after he had watched her inside the store. Additionally, JAMES stated he communicated with Simone while in Arizona, to include his home in Tsalie, AZ.


19. Based on this information, I believe there is probable cause to believe that JAMES committed the offense(s) of 18 U.S.C. § 2422(b), Attempted Coercion and Enticement.

CONCLUSION

24. I submit that this affidavit supports probable cause authorizing a criminal complaint against JAMES for violation(s) of 18 U.S.C. § 2422(b), Attempted Coercion and Enticement.

25. This affidavit has been reviewed by Assistant United States Attorney Kyle Nayback.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Cristina Sandoval
Special Agent
Federal Bureau of Investigation

Electronically Submitted and telephonically sworn to me
this 5 day of May, 2022:



UNITED STATES MAGISTRATE JUDGE